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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,415	05/16/2001	Jeffrey Jonathan Spurgat	11748/17	2468
7590 12/23/2008				
John S. Paniaguas KATTEN MUCHIN ZAVIS Suite 1600 525 West Monroe Street Chicago, IL 60661				
EXAMINER				
TRAN, TUAN A				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
12/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/858,415

Applicant(s)

SPURGAT ET AL.

Examiner

TUAN A. TRAN

Art Unit

2618

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami et al. (6,477,117) in view of Stewart (5,969,678).

Regarding claims 1, 3 and 6, Narayanaswami discloses a local wireless communication network 1 (See fig. 1) for digital content player, the network 1 comprising: one or more content hosts configured as personal computing platform (PC); a plurality of digital content players (i.e. wrist watch and other devices such as PDA), each digital content player having a player storage device (memory) for storing digital content and a wireless communication platform (i.e. Bluetooth platform) for establishing a RF bi-directional communication link between the one or more content hosts and at least one other digital content player, wherein the communication platform configured to synchronize digital content (equivalent to "content and/or data sharing") between the one or more hosts and the at least one other digital content players in range of one another (See figs. 1, 3 and col. 7 line 63 to col. 8 line 25). However, Narayanaswami does not explicitly mention that the content synchronization is automatically. Since the concept of automatically sharing digital content and/or data between a wireless device

(i.e. access point) with another wireless device (i.e. portable computer) based on proximity detection and pre-stored identifiers is known in the art as taught by Stewart (See figs. 1-2 and col. 3 line 47 to col. 4 line 9, col. 7 lines 8-22); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the concept as taught by Stewart in modifying the system (digital content players as well as content hosts), as disclosed by Narayanaswami, with the capability of automatically sharing digital content and/or data for the advantage of allowing the user to utilize the device more effectively by accessing to various information as well as sharing a particular information to other user belonging to his/her own group.

Regarding claims 2 and 4-5, Narayanaswami & Stewart discloses as cited in claim 1. However, they do not explicitly mention that the content host is a gateway or a set top box or a stand-alone audio gateway. Since Stewart does suggest that the content host is an access point for providing multiple types of information (data) (see col. 6 lines 41-51) and the set top box or the stand-alone audio gateway is known in the art as an access points; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the set top box or the PC or the stand-alone audio gateway as the host for the advantage of expanding the capability of the system to various types of devices.

Response to Arguments

Applicant's arguments filed 03/26/2008 have been fully considered but they are not persuasive.

The applicant argued that none of the cited prior arts in the rejection disclose synchronization of content between two devices (See Remark, page 3). The examiner respectfully disagrees with the applicant argument. In this instant case, Narayanaswami ('117) does disclose the process of content and/or data sharing (equivalent to "content synchronization") between two wireless devices. However, Narayanaswami does not explicitly mention that the content synchronization between the two wireless devices is automatically. Since the concept of automatically sharing digital content and/or data between a wireless device (i.e. access point) with another wireless device (i.e. portable computer) based on proximity detection and pre-stored identifiers is known in the art as taught by Stewart ('678); therefore, Narayanaswami ('117) in combination with Stewart ('678) would arrive to the claimed subject matters (See above rejection for details). For that reason, the rejections are proper and maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN A. TRAN whose telephone number is (571)272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan A Tran/
Primary Examiner, Art Unit 2618

